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20 **UNITED STATES DISTRICT COURT**
21 **DISTRICT OF NEVADA**

22 John Pegnam,

23 Plaintiff,

24 v.

25 Niizhwaaswi, LLC dba Loan at Last,

26 Defendant.

Case No.:

**Complaint for damages under the
Fair Debt Collection Practices Act,
15 U.S.C. § 1692 et seq.**

Jury trial demanded

Introduction

1. In enacting the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (the “FDCPA”), Congress found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and determined that abusive debt collection practices contribute to bankruptcies, marital instability, the loss of jobs, and invasions of individual privacy. The FDCPA is intended to eliminate abusive debt collection practices by debt collectors. The Act ensures that law-abiding debt collectors are not competitively disadvantaged, and protects consumers against debt collection uniformly among the States.
2. John Pegnam (“Plaintiff”), by counsel, brings this action to challenge the actions of Niizhwaaswi, LLC dba Loan at Last (“Loan at Last” or “Defendant”), with regard to Defendant’s unlawful attempts to collect debt from Plaintiff, causing harm to Plaintiff.
3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to Plaintiff, which Plaintiff alleges on personal knowledge.
4. While many violations are described below with specificity, this Complaint alleges violations of the statutes cited in their entirety.
5. Unless otherwise stated, all the conduct engaged in by Defendant took place in Nevada.
6. Any violations by Defendant were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violations.

Jurisdiction and Venue

7. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331 (federal question jurisdiction).
8. This action arises out of Defendant’s violations of the FDCPA.

9. Defendant is subject to personal jurisdiction in Nevada, as it conducts business in Nevada, and attempted to collect debt from Plaintiff in Nevada.

10. Venue is proper pursuant to 28 U.S.C. § 1391 because all the conduct giving rise to this complaint occurred in Nevada.

Parties

11. Plaintiff is a natural person who resides in Clark County, Nevada.

12. Plaintiff is alleged to owe a debt, and is a consumer as that term is defined by 15 U.S.C. § 1692a(3).

13. Defendant is a company that offers debt collection services.

14. Defendant uses an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of debts; or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another; and is a debt collector as defined by 15 U.S.C. § 1692a(6).

15. Loan at Last is a corporation doing business in the State of Nevada.

16. Unless otherwise indicated, the use of Defendant's name in this Complaint includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of the named Defendant.

Factual allegations

17. The following is some of the information Plaintiff is currently aware of, and it is expected that after Plaintiff conducts discovery, these allegations will be bolstered and enhanced through discovery.

18. Plaintiff is alleged to have owed a personal loan-related debt to Loan at Last in or around August 2020 (the "debt").

19. The debt was incurred primarily for personal, family or household purposes and is therefore a debt as that term is defined by 15 U.S.C. §1692a(5).

1 20.The validity of the alleged debt is immaterial to this action, and Plaintiff currently
2 takes no position as to its validity.

3 **Defendant unlawfully communicated with Plaintiff to collect debt**
4 **when Defendant knew that Plaintiff was represented by an attorney**

5 21.On or around October 2020, Plaintiff informed Defendant that he was represented
6 by an attorney in regards to his dispute of the debt and requested Defendant cease
7 contact with Plaintiff.

8 22.Accordingly, Defendant received notice that Plaintiff was represented by an
9 attorney with respect to the debt.

10 23.In October 2020, Defendant knew that Plaintiff was represented by an attorney
11 with respect to the debt.

12 24.After Defendant knew that Plaintiff was represented by an attorney, Defendant
13 continued its communications in connection with the collection of a debt.
14 Consequently, Defendant violated 15 U.S.C. § 1692c(a)(2).

15 25.Defendant's actions were willful and knowing because Defendant knew that
16 Plaintiff was represented by an attorney and knew that it was prohibited from
17 contacting a represented consumer.

18 **Plaintiff's damages**

19 26.Plaintiff has suffered emotional distress and mental anguish as a result of
20 Defendant's actions described herein. In addition, Plaintiff incurred out-of-pocket
21 costs and time in attempts to dispute Defendant's actions. Plaintiff further
22 suffered humiliation and embarrassment when Plaintiff needed to seek the help of
23 others, including friends, family, and an attorney, because Plaintiff felt helpless
24 against Defendant.

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27 ///

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First Cause of Action
Fair Debt Collection Practices Act
15 U.S.C. §§ 1692 et seq.

27. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs of the Complaint as though fully stated herein.

28. Defendant's conduct violated 15 U.S.C. § 1692c(a)(2) in that Defendant unlawfully communicated with Plaintiff to collect the debt when Defendant knew that Plaintiff was represented by an attorney in connection with the debt.

29. Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect a debt .

30. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA.

31. As a result of each and every violation of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1), statutory damages up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

Prayer for relief

32. Wherefore, Plaintiff prays that judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3); and
- Any other relief that this Court deems just and proper.

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Jury Demand

33. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: October 8, 2021.

Respectfully submitted,

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FREEDOM LAW FIRM

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